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Comprehensive review of the whole question of peacekeeping operations in all their aspects

Security Council
Seventy-first year

Letter dated 30 November 2016 from the Permanent Representative of Senegal to the United Nations addressed to the Secretary-General

I have the honour to transmit herewith the concept note entitled "Protection of civilians and political strategies", which was drafted for the meeting of the Working Group on Peacekeeping Operations that I chaired on 3 November 2016 (see annex).

I should be grateful if you would have this letter and its annex circulated as a document of the General Assembly, under agenda item 51, and of the Security Council.

(*Signed*) Fodé **Seck**
Ambassador
Permanent Representative

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Annex to the letter dated 30 November 2016 from the Permanent Representative of Senegal to the United Nations addressed to the Secretary-General

Concept note on the theme "Protection of civilians and political strategies" for the Working Group on Peacekeeping Operations

[Original: English]

Background

For over fifteen years, the protection of civilians (POC) has been a peacekeeping priority, where today over 95 per cent of UN peacekeepers are mandated to protect civilians. Although the protection of civilians is primarily the responsibility of States, the United Nations has an essential part to play, through peacekeeping operations in particular. Given the complex operating environments into which missions deploy today, protecting civilians require a collective commitment by Member States, peacekeeping operations and others.

Since the late 1990s, the Security Council, the General Assembly and the Secretariat have developed institutional and operational tools to strengthen UN action in this regard, as illustrated by Security Council resolutions 1265 (1999), 1674 (2006) and 1894 (2009), the reports of the Secretary-General on the protection of civilians in armed conflict, and the 2015 DPKO-DFS policy on the protection of civilians. However, the High-level Independent Panel on Peace Operations (HIPPO), while highlighting the significant progress made in concepts and standards on protecting civilians, noted that political solutions must take a more central role in mission strategies, and that decisive leadership remained essential to the protection of civilians mandate.

How and why are the protection of civilians and political strategies linked?

Peacekeeping is a fundamentally political tool. The military activities of peacekeepers, while important, are only steps to achieve a political goal. In years past, the primary political goal of peacekeeping operations was often the consolidation of an already agreed peace. In more recent years, peacekeeping missions have increasingly been deployed to help bring parties together and shape a sustainable peace. In such contexts, where conflict may be on-going, civilian lives are at risk and peacekeepers are often called upon to protect them. At the same time, without a viable strategy to resolve the armed conflict that poses threats to civilians in the first place, efforts to protect could end up being protracted and unsustainable.

Protecting civilians is ultimately the responsibility of the host state. Peacekeeping operations frequently have multiple roles in supporting this responsibility. Missions perform the essential task of strengthening state institutions for protection, including police, defence and justice. At the same time, particularly when conflict is ongoing, the capacity and the will by the government to protect its own citizens may not always be present. In such cases, peacekeepers provide protection to civilians under threat and a sense of safety for the population. Navigating these roles require political strategies based on solid assessments and analysis.

Effective linkages between protection of civilian efforts to political strategies can lead to successful prevention. The concerted international engagement in the early phases of the UN peacekeeping operation in the Central African Republic (CAR) is an illustrative example. In a country with a weak national army and deep religious and ethnic divisions, peacekeepers stabilized key areas of the country, including the capital Bangui and hotspots in the centre of the country.

Between 2014 and 2015, strong political engagement and mediation at the international, regional, and national levels, paired with responses of all civilian and uniformed actors on the ground, enabled a visible countrywide deployment at the community levels. The mission made a concerted effort at harmonizing engagement with international actors in CAR, and such consultative strategies allowed stronger action, which helped prevent widespread bloodshed.

Although many challenges remain in CAR, this experience shows us how coordinated political engagement and sustained dialogue with all partners, from the local to the international stage, can lead to effective protection.

It shows particularly the importance of working with regional and sub-regional actors when they are playing a constructive role in promoting political solutions.

Challenges

The overarching challenge of protection is political. This can be articulated at a number of levels: first, devising political strategies to resolve conflict around which the Security Council, troop and police contributors, and the Secretariat may rally around. Second, addressing the political will of host authorities in the protection of their own citizens, and third, ensuring that the political commitment exists from key stakeholders – in particular troop and police contributors – to fulfil sometime dangerous and risky POC tasks.

1. POC and political engagement

The High Level Panel on Peace Operations warned against using the peacekeeping principles as a shield for inaction. One could also posit that POC should not be used as a shield for political inaction. Across a number of theatres, peacekeepers have been mandated to protect civilians amidst ongoing conflict, absent a viable political process. In such instances, there is a humanitarian imperative to protect, but peacekeepers cannot replace efforts to resolve conflict, which require sustained political engagement, creativity and partnership-building. Protection mandates are frequently framed in highly operational, even tactical, terms, despite the strategic nature of Council resolutions. High-visibility peacekeeping deployments risk eclipsing the difficult work of pursuing political solutions, shifting the onus of the international community's engagement in a war-torn country away from the Security Council's responsibilities, to the performance of peacekeepers.

Solutions to close the gap require unity in the Council, through enhanced coordination and dialogue between Council members. By clarifying how the Council views the mission's

protection activities as contributing to a context-specific political process, peacekeepers will have a far greater understanding of their role and will execute it more effectively. To feed the discussion, the Secretariat has a duty to formulate clear recommendations on the course of action, based on solid analysis of the threats and context, allowing the Council to formulate, prioritize, and sequence mandated tasks. The Secretariat is currently working on a number of initiatives in this regard, including strengthening methodologies relating to the information management cycle, and capacities for situational awareness and threat analysis. In particular, the Secretariat is in the process of developing a policy that will provide a framework for effective, efficient and responsible information gathering and analysis across all mission components, allowing a better understanding of dynamics within the area of operation as well as real early warning of specific threats. Such efforts will help better identify and anticipate threats and plan accordingly, which provide a clearer vision to ensure T/PCCs are on board with the proposed modus operandi.

2. POC and the host state

Host governments have the primary responsibility to protect civilians. But this role may not be fulfilled, either because the government lacks the will – as is the case in South Sudan or Syria – or the government lacks the capacity – as is the case in CAR or Mali. Where host governments are unwilling or unable to protect their citizens, and a peacekeeping operation has a POC mandate, the mission has the responsibility to intervene to protect civilians. This can give rise to situations when the peacekeepers may have to use force against their hosts, the very authorities that consented to their deployment.

In cases where there is a lack of will, increased dialogue with the host government is critical to protect civilians, while simultaneously leveraging influential parties to address the lack of will. The use of sanctions and compacts could also be considered. In cases where there is a lack of capacity, the peacekeeping operation should focus on the provision of logistical support and capacity-building efforts for the national security and corrections entities, through training and joint operations, based on the Human Rights Due Diligence Policy (HRDDP) to maintain the legitimacy and credibility of the United Nations.

3. POC and T/PCC ownership

Political commitment by T/PCCs to carry out the mandate is vital to ensure that the mission performs to the standard expected by the Security Council. Equally, there is a need to ensure that, in each specific instance, there is consensus on what is being asked of troops and police and what is expected of them, particularly with regard to the use of force. In South Sudan, peacekeepers have been criticised for inaction in not confronting a government army equipped with mortars, tanks and attack helicopters. As electoral violence flares up in some countries, we are potentially facing scenarios in which Missions are expected to protect civilians from government forces. In such situations, T/PCCs and the Security Council must have a clear vision of the extent to which the peacekeeping operation is capable and willing to implement its mandate[1].

[1] A range of tools support collective and coordinated action in these complex environments, such as the Rules of Engagement (RoE) and Directives on the Use of Force (DUF), Concepts of Operations (ConOps), UN

Dialogue among Security Council, T/PCCs and Secretariat

While all of these efforts contribute to improving the effective implementation of the POC mandate, the political dialogue precludes any agreement on engagement. The Secretary-General in his report (A/70/357-S/2015/682) underscored that sustained dialogue among the Security Council, T/PCCs and Secretariat is essential, including prior to the establishment of a mission. The Secretary-General advanced options for strengthening this dialogue, including Secretariat and Security Council briefings to potential contributors on its conflict assessment before an operation is authorized. Such briefings would allow potential contributors to consider capability requirements and give the Council an opportunity to gather views on challenges and opportunities on potential mandated tasks. They could also allow opportunity to share views on the question of assessment of threats driving capability requirements and planning.

While various consultation formats exist, there appear to be limited opportunities for a meaningful discussion between the Security Council, T/PCCs, the Secretariat and the host State. Such discussions are critical, given the political challenges described above, and the need for clearer consensus around expectations and the will to protect civilians. The Security Council Working Group (SCWG) has held meetings on cross-cutting and mission-specific thematic issues, to which T/PCCs are frequently invited, providing a useful forum for discussion. These discussions could be further advanced through informal mechanisms to allow substantive discussions. Through such dialogue, T/PCCs would gain well-rounded views of POC mandates and challenges, as well as on the ROE and DUF prior to deployment.

The protection of civilians is more than a temporary answer to physical violence; therefore it requires more than a temporary military solution. Effective protection requires a political process that can lead to the creation of a protective environment for sustainable peace.

Challenges and Discussion Questions

1. How can the Security Council better reflect the effective linkages between political strategies and POC? How could this be reflected in mandate language?
2. What are the expectations of the host state, particularly in cases where they pose a threat to civilians? What are the Council's expectations towards peacekeepers in such cases?
3. How can the Council, T/PCCs and Secretariat conduct effective dialogue regarding challenges to implementing POC mandates?
4. How can the Security Council, T/PCCs and the Secretariat ensure an inclusive and substantive exchange on the relationship between threat assessment, conflict analysis and dialogue for new and existing mandates?
5. How can the Security Council and T/PCCs better manage expectations for peacekeeping?

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command and control arrangements (C2), highlighting responsibilities and clarifying the relationship between military operations and political engagement in the mission. The Operational Readiness Assurance (ORA) policy supports the respective responsibilities between troop contributors, Secretariat and field missions, allowing a clear approach to evaluating performance of uniformed components, which should strengthen dialogue with T/PCCs. The Secretariat will continue to pursue efforts to better mainstream POC in mission planning processes and documents and improve training on POC at all levels (pre-deployment and in-mission).